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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-044

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

4. Adequacy of References to Related Statutes, Rules and Forms

The statement of statutes interpreted lists s. 29.314 (4) (b) 3., Stats., an exception to the restrictions on use of a light for shining animals. However, although the rule authorizes the use of a bow and arrow to take rough fish at any time, the rule does not specifically relate to the use of a light.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The rule is an amendment to s. NR 20.09 (2). However, the rule does not amend that rule in its current form, but rather amends that rule as affected by a major ch. NR 20 revision that has not yet been promulgated. This information would be useful to anyone attempting to understand the effect of this rule and should be included in the analysis.

b. The amendment to s. NR 20.09 (2) authorizes the use of a bow and arrow at any time during the “open season” for spearing in s. NR 20.20. This appears to be reasonably clear if the reader of the rule refers to the column in s. NR 20.20 that is headed “open season.” However, there may be a potential for confusion where s. NR 20.20, in the column for “authorized methods,” refers to the authorized *time* for spearing. [See s. NR 20.20 (10) (c) 2. b., for example.] The department should determine whether the intent of the rule is clear.

c. The rule refers to the open season “for spearing,” but does not indicate the species for which spearing is authorized. Is it the intent of the rule to relate only to “the open season for spearing rough fish”? If so, this should be explicitly stated.

d. The department should reconsider whether this rule should be drafted as an amendment to s. NR 20.09 (2). The language that is proposed to be added to that rule describes an *authorized method* for the use of a bow and arrow to take rough fish. Within new ch. NR 20, the authorized methods for taking fish are listed in the table in s. NR 20.20. The contents of s. NR 20.09 relate to *restrictions* on spearing. It may be more appropriate to maintain this structure of ch. NR 20 and place the new language in the table in s. NR 20.20. If that change is made, s. NR 20.09 (2) could be redrafted in the same form as s. NR 20.09 (1).